

### REMARKS

Claims 7-12, 20, 22 and 25-31 are currently pending in the subject application and are presently under consideration. Favorable reconsideration of the subject patent application is respectfully requested in view of the comments herein.

#### **I. Rejection of Claims 7-12, 22, 25, 27, 28, 30 and 31 Under 35 U.S.C. §102(e)**

Claims 7-12, 22, 25, 27, 28, 30 and 31 stand rejected under 35 U.S.C. §102(e) as being anticipated by Blankenship *et al.* (U.S. 6,624,338). Withdrawal of this rejection is requested for at least the following reasons. Blankenship *et al.* fails to disclose all features of the subject claims.

A single prior art reference anticipates a patent claim only if it expressly or inherently describes ***each and every limitation*** set forth in the patent claim. *Trintec Industries, Inc. v. Top-U.S.A. Corp.*, 295 F.3d 1292, 63 USPQ2d 1597 (Fed. Cir. 2002); *See Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). ***The identical invention must be shown in as complete detail as is contained in the ... claim.*** *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). (emphasis added).

The claimed invention relates to system and method of wireless communication with and among nodes of a weld cell utilizing a frequency adjusting wireless communication protocol. Specifically, independent claim 7 (from which claims 8-12, 27, and 28 depend) recites ***a welding system comprising ... at least one welding factory control that retains weld procedures for a first welding cell and at least one other welding cell.*** Independent claim 22 recites ***storing information communicated between the first welding node and the at least one other welding node in a central location.*** Independent claim 25 (from which claims 30 and 31 depend) recites ***a wireless system for communicating welding information, comprising ... a server having a wireless communications interface that maintains information associated with a first welding node and at least one other welding node.*** For example, the global factory controls can retrieve information, such as wire usage and error logs, and take action, such as placing an order for consumables. (*See e.g.*, pg. 14, lns. 20-25). The server and/or central location can facilitate coordination of weld procedures for one welding cell or the entire factory, mitigating cabling

requirements and increasing efficiency. (See e.g., pg. 13, ln. 28 – pg. 14, ln. 2). Blankenship *et al.* does not teach or suggest such novel aspects.

Blankenship *et al.* relates to a network architecture employed to enable remote configuration, monitoring, control and business interactivity within a distributed welding environment and discloses a remote system that communicates with one or more welding systems through a network. Blankenship *et al.* provides a welding system that includes objects or components to interact with the functional aspects of the welder. These objects or components are stored in a welder properties and methods database and accessed from a local or remote file system. The functional aspects controlled by the objects include commanding the welder on or off, changing machine output levels, selecting welding procedures, configuring machine, monitoring machine feedback, transferring operative code and retrieving machine diagnostics (See e.g., Col. 9, ln. 63- Col. 10, ln. 17). Hence Blankenship *et al.* only provides components inside a welding system to interact or communicate with the functional aspects of the welder but fails to teach ***at least one welding factory control that retains weld procedures for a first welding cell and at least one other welding cell; storing information communicated between the first welding node and the at least one other welding node in a central location, or a server having a wireless communications interface that maintains information associated with a first welding node and at least one other welding node*** as recited in the subject claims.

In view of at least the foregoing, it is readily apparent that Blankenship *et al.* fails to disclose every element recited in the subject claims. Accordingly, this rejection with respect to independent claims 7, 22, and 25 (and the claims that depend there from) should be withdrawn and the subject claims allowed.

## **II. Rejection of Claims 20, 26 and 29 Under 35 U.S.C. §103(a)**

Claims 20, 26 and 29 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Blankenship *et al.* in view of Ivkovich (U.S. 6,583,386). Withdrawal of this rejection is requested for at least the following reasons. Blankenship *et al.* is an ineffective reference under 35 U.S.C. 103(c).

35 U.S.C. 103(c) Subject matter developed by another person, which qualifies as prior art only under subsection (e), (f), and or (g) of section 102 of this title, shall not preclude patentability

under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

It is noted that the subject matter of Blankenship *et al.* and the claimed invention were, at the time the invention was made, subject to an obligation of assignment to The Lincoln Electric Company. Accordingly, a rejection under 35 U.S.C. §103(a) would not be proper pursuant to the provisions of 35 U.S.C. §103(c). Therefore, it is respectfully submitted that this rejection of claims 20, 26, and 29 should be withdrawn.

In view of at least the foregoing, it is apparent that Blankenship *et al.* is an ineffective reference. Accordingly, it is respectfully requested that the rejection of claims 20, 26 and 29 should be withdrawn.

**CONCLUSION**

The present application is believed to be in condition for allowance in view of the above comments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [LINCP103US].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,

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